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PATENT

Attorney Docket No.: 9113-22



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of
Randell L. Mills

Serial No.: 09/008,947

Filed: January 20, 1998

For: HYDRIDE BATTERY AND FUEL CELL

Group Art Unit:
1741

Examiner:
Not Yet Assigned

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Assistant Commissioner for Patents
BOX MISSING PARTS
Washington, D.C. 20231

1. In response to the Notice to File Missing Parts of Application - Filing Date Granted, mailed April 10, 1998 ("Notice"), submitted herewith is a Declaration and Power of Attorney, executed by the inventor.

CERTIFICATE OF MAILING
UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

BY Alfre Wills
DATE: 17 April 1998

2. The Notice alleges that the signature to the oath or declaration is by a person other than the inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47 (Notice, item 4). This cannot be true in that a signed oath or declaration has not yet been filed in this application. It is respectfully submitted that the box for item 4 of the Notice was inadvertently checked by the PTO, instead of the box associated with item 3, and the first indented box thereunder: "The oath or declaration ... is missing or unexecuted."

3. A Verified Statement Claiming Small Entity Status was filed March 23, 1998. Charge the small entity 37 C.F.R. 1.16(e) surcharge of \$65.00 to deposit account 19-1135. Charge any additional fees in connection with this paper to the same deposit account. This paper is submitted in duplicate.

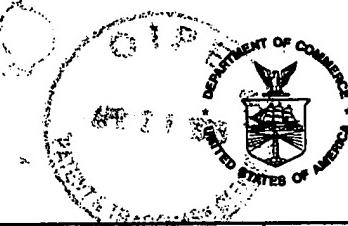
4. A copy of the FORM PTO - 1533 is attached hereto.

Respectfully submitted,

RANDELL L. MILLS

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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1. Item 1 or 3 is missing.
2. Item 4 is missing.
3. Item 5 is missing.
4. Item 6 is missing.

5. Item 7 is missing.

DATE MAILED:

04/27/1998

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
 small entity (statement filed) non-small entity is \$ _____.

1. The statutory basic filing fee is:

- missing.
 insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. Additional claim fees of \$ _____, including any multiple dependent claim fees, are required.

\$ _____ for _____ independent claims over 3.

\$ _____ for _____ dependent claims over 20.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

- is missing or unexecuted.
 does not cover the newly submitted items.
 does not identify the application to which it applies.

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does not include the city and state or foreign country of applicant's residence.

01 FC:205 An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

9. OTHER: _____

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.